



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

CERTIFIED MAIL

US EPA RECORDS CENTER REGION 5



469798

IN THE MATTER OF:

NNC No. NC-03-04-01-003D

Dutton Corporate Center
Lapeer and Brown Roads
Auburn Hills, Michigan 48326

NOTICE OF NONCOMPLIANCE

TO: Brown Road Group, LLC
115 South Main St., Ste 300
Royal Oak, Michigan 48067

ATTENTION: Fred Gordon, Owner

PLEASE BE ADVISED that we have sufficient information to believe that Brown Road Group, LLC has failed to comply with Part 31 of the Michigan Act 451, Public Acts of 1994, as amended (hereafter Part 31), and the terms and conditions of National Pollutant Discharge Elimination System (NPDES) Permit No. MIR107157 issued October 15, 2003, under Michigan's Permit-by-Rule (hereafter Permit-by-Rule).

PURSUANT TO Section 3112(1) of the Michigan Act 451, Public Acts of 1994, as amended "A person shall not discharge any waste or waste effluent into waters of this state unless the person is in possession of a valid permit from the department."

BE ADVISED the Permit-by-Rule coverage issued to Brown Road Group, LLC for the Dutton Corporate Center construction site authorizes only the discharge of uncontaminated storm water associated with construction activities and does not authorize the discharge of any other wastewaters, including contaminated groundwater or landfill leachate.

PURSUANT TO Section 3109(1) of the Michigan Act 451, Public Acts of 1994, as amended:

A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:

- (a) To the public health, safety, or welfare.
- (b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made of such waters.
- (c) To the value or utility of riparian lands.

March 1, 2004

2. A plan for long term leachate management. If this plan includes the discharge of leachate to the sanitary sewer, provide a copy of the written authorization from the Publicly Owned Treatment Works (POTW).

PLEASE BE ADVISED that further enforcement may be instituted for failure to comply with this Notice, Part 31, or the Permit-by-Rule requirements.

FURTHER BE ADVISED that compliance with the terms of this notice does not relieve Brown Road Group, LLC of any liability, past or present that results from the company's failure to comply with Part 31 or the Permit-by-Rule. The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil and criminal litigation and petitions for penalties in the maximum amount provided by law. The fines for the violation of Part 31 can be as high as \$25,000 per day per violation.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: March 1, 2004

ISSUED BY:

Phil Agnello FOR

Hae-Jin Yoon
District Supervisor
Water Division
Southeast Michigan District Office

ADDRESS FOR FURTHER CORRESPONDENCE

Lishba Varughese
Water Division
38980 Seven Mile Road
Livonia, Michigan 48152
734-432-1507

cc: Mr. Rick DeVish, Oakland County Drain Commission
Mr. Shawn Keenan, City of Auburn Hills
Ms. Hae-Jin Yoon, WD
Mr. Barry Selden, Chief, WD Enforcement Unit
Mr. Oladipo Oyinsan, RRD
Ms. Teresa Seidel, AQD
Ms. Jennifer Hazelton, WD
Mr. Ben Matthews, RRD
Ms. Sandra Ray, PCS Unit
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